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PATENT
ATTORNEY DOCKET
NO. 70255

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: BLACK et al.
Appln. No.: 09/891,774
Filed: June 26, 2001
Title: AUTO RACK RAILWAY
CAR
Group Art Unit: 3683
Examiner: C. Bartz

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

5/15/03
Date

Joseph E. Shipley
Joseph E. Shipley
Reg. No. 31,137
Attorney for
Applicant(s)

RESPONSE

Honorable Commissioner of Patents
and Trademarks
ATTENTION: Assistant Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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MAY 22 2003

GROUP 3600

Sir:

In response to the Office Action mailed November 15, 2002, reconsideration and allowance of the application are respectfully requested.

In response to the drawing objection, the flexible enclosure is shown at 116 in Fig. 2.

In response to the double patenting rejection, a terminal disclaimer is submitted herewith.

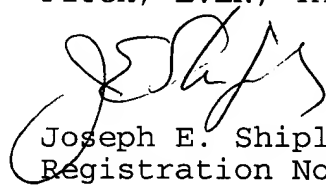
In response to the objection to the abstract, reconsideration is requested. MPEP 608.01(b) makes clear that the abstract is an abstract of the disclosure, not of the claims.

The disclosure of a continuation application is, by definition, the same as the disclosure of the parent application, even though the scope of the claims is different. What is "new in the art" in the disclosure of a continuation application is therefore, by definition, the same as what is "new in the art" in the parent application. The MPEP states, in the paragraph after that quoted in the office action, "the abstract is not intended nor designated for use in interpreting the scope or meaning of the claims, 37 C.F.R. 1.72b." The MPEP clearly does not require that the abstract interpret the scope of the claims of the continuation application, or otherwise comment on how the claims of a continuation application differ from those of a parent application.

For the reasons set forth above, reconsideration and allowance of the application are respectfully requested.

FITCH, EVEN, TABIN & FLANNERY

By:


Joseph E. Shipley
Registration No. 31,137

Date: May 15, 2003
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
(312) 577-7000